

S.B. Criminal Misc. Bail Application No.3972/2006

Date : 11.09.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. P.C. Solanki for the applicants.

Mr. V.R. Mehta, Public Prosecutor.

Mr. P.N. Mohanani for complainant.

I have heard learned counsel for the applicants as well as learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that the prosecutrix in the statement recorded under Section 164 Cr.P.C. herself has completely denied the allegation that she was subjected to rape. He prays that in view of above, accused applicants may be enlarged on bail.

On the other hand, learned Public Prosecutor and learned counsel for the complainant have opposed the bail application and submit the statement of the prosecutrix was recorded under duress.

I have considered the submissions made before me and carefully perused the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1) Sabir son of Munna Khan and (2) Mobin son of Ishmael shall be released on bail in CR No.57/2006 P.S. Mahila Thana, Pali, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant